

JUDGE'S COPY

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,  
Plaintiff

v.

ROBERT W. MEYERS, et al.,  
Defendants

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No. 1:CV-00-0895

(M.J. Smyser)

FILED

HARRISBURG, PA

JUL 31 2000

MARY E. D'ANDREA, CLERK  
Per Deputy Clerk

ANSWER

Defendants, by their attorneys, hereby submit this answer to the complaint.

FIRST DEFENSE

The numbered allegations of the Statement of Claim section of the complaint are answered as follows:

1. ADMITTED.
2. ADMITTED.
3. DENIED.
4. ADMITTED in part; DENIED in part. ADMITTED that plaintiff wrote to the individuals listed. DENIED that no action was taken.
5. ADMITTED in part; DENIED in part. DENIED that no action was taken. The remainder of this numbered paragraph is ADMITTED.
6. DENIED.
7. ADMITTED.
8. ADMITTED in part; DENIED in part. DENIED that no action was taken. The remainder of this numbered paragraph is ADMITTED.

9. ADMITTED in part; DENIED in part. ADMITTED that plaintiff moved to a cell with an inmate who does not smoke. The remainder of this numbered paragraph is DENIED.

10. ADMITTED in part; DENIED in part. DENIED that no action was taken. The remainder of this numbered paragraph is ADMITTED.

11. ADMITTED in part; DENIED in part. DENIED that no action was taken. The remainder of this numbered paragraph is ADMITTED.

12. ADMITTED in part; DENIED in part. ADMITTED that on April 27, 2000 plaintiff was placed on A-Block, Cell 332 with an inmate of plaintiff's choosing. The remainder of this numbered paragraph is DENIED.

13. DENIED.

14. DENIED.

15. ADMITTED.

16. DENIED.

17. DENIED.

#### **SECOND DEFENSE**

The complaint fails to state a claim upon which relief may be granted.

#### **THIRD DEFENSE**

At no time have defendants, either individually or in concert with others, deprived or sought to deprive plaintiff of any rights, privileges or immunities secured to him by the Constitution or laws of the United States.

#### **FOURTH DEFENSE**

At all material times, defendants have acted with a reasonable good-faith belief in the lawfulness of their actions and are entitled to immunity therefor.

**FIFTH DEFENSE**


Plaintiff is entitled to no relief whether compensatory or equitable.

**WHEREFORE**, the complaint should be dismissed with prejudice.

Respectfully submitted,

**D. MICHAEL FISHER**  
Attorney General

By:

  
**GREGORY R. NEUHAUSER**  
Senior Deputy Attorney General

**SUSAN J. FORNEY**  
Chief Deputy Attorney General  
Chief, Litigation Section

**OFFICE OF ATTORNEY GENERAL**  
15th Floor, Strawberry Square  
Harrisburg, PA 17120  
717-787-8106

**DATE: July 31, 2000**

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CERTIFICATE OF SERVICE

I, **GREGORY R. NEUHAUSER**, Senior Deputy Attorney General for the  
Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on **July 31,**  
**2000**, I caused to be served a true and correct copy of the foregoing document **Answer**  
depositing it in the United States mail, first-class postage prepaid to the following:

Terrance Montague, BZ-2761  
SCI-Rockview  
Box A  
Bellefonte, PA 16823-0820

  
\_\_\_\_\_  
**GREGORY R. NEUHAUSER**  
Senior Deputy Attorney General